

Robert M. Goodman, Esq.  
GREENBAUM, ROWE, SMITH & DAVIS LLP  
75 Livingston Avenue, Suite 301  
Roseland, New Jersey 07068  
Telephone: (973) 535-1600  
Facsimile: (973) 535-1698

*Attorneys for Plaintiff Bayer HealthCare Pharmaceuticals Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE BIOGEN '755 PATENT LITIGATION : Civil Action No. 10-cv-02734 (CCC)  
: (JBC) (consolidated)  
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**BAYER HEALTHCARE PHARMACEUTICALS INC.'S  
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY No. 1 —  
OBVIOUSNESS-TYPE DOUBLE PATENTING**

**TO: ALL COUNSEL IN THE CAPTIONED MATTERS:**

**PLEASE TAKE NOTICE** that on May 3, 2017, attorneys for Defendant Bayer HealthCare Pharmaceuticals, Inc. (“Bayer”) shall move before the Honorable Claire Cecchi, U.S.D.J., for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment that claim 1 of United States Patent No. 7,588,755 is invalid and that Bayer is thus entitled to entry of final judgment in its favor as to all claims and counterclaims.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Bayer respectfully submits an accompanying Memorandum of Law; Statement of Undisputed Material Facts; Declaration of Seth Bowers dated February 3, 2017; and the exhibits included therewith. Bayer has also submitted the Declaration of Dr. Jeffrey V. Ravetch in support of this and other motions for summary judgment. A proposed Order is also submitted herewith.

Dated: February 3, 2017

By: /s/ Robert M. Goodman  
Robert M. Goodman  
GREENBAUM, ROWE, SMITH & DAVIS LLP  
75 Livingston Avenue, Suite 301  
Roseland, New Jersey 07068  
(973) 535-1600 (Telephone)  
(973) 535-1698 (Facsimile)

Of Counsel:

Bruce R. Genderson  
George A. Borden

David I. Berl  
David M. Krinsky  
Thomas S. Fletcher  
Eric C. Wiener  
Kyle E. Thomason  
Seth R. Bowers  
Tian Huang  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street N.W.  
Washington, DC 20005  
(202) 434-5000

*Attorneys for Bayer HealthCare  
Pharmaceuticals Inc.*

**CERTIFICATION OF FILING AND SERVICE**

ROBERT M. GOODMAN hereby certifies as follows:

1. I am an Attorney-at-Law of the State of New Jersey and a partner of the law firm of Greenbaum, Rowe, Smith & Davis LLP, attorneys for Bayer Healthcare Pharmaceuticals Inc. (“Bayer”) in the above matter.
2. On the date indicated below, I caused to be e-filed the Notice of Motion, Memorandum of Law, Statement of Undisputed Facts, Declaration of Seth R. Bowers and Declaration of Jeffrey V. Ravetch in support of Bayer’s motion for summary judgment No. 1.
3. On the date indicated below, I caused the above referenced documents to be served on counsel of record via the ECF system. The above referenced documents were also e-mailed to counsel of record on the same date.
4. I certify that the foregoing statements made by me are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Robert M. Goodman  
ROBERT M. GOODMAN

DATED: February 3, 2017